

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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PLLSBURY WINTHROP SHAW PITTMAN

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DKT BY(1)_	(2)

COMMISSIONER FOR PATENTS INITED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, DC 2023I

APPLICATION NO. /CONTROL NO. FILING DATE FIRST NAMED INVENTOR / PATENT IN REEXAMINATION ATTORNEY DOCKET NO. 10511130 8/15/2005 CONNOLLY ET AL. 067074-0310832

EXAMINER Richard G. Hutson

ART UNIT PAPER 1652 20090817

DATE MAILED: 3/17/2009

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents.

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R.. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

- 1. Electronically submitted through EFS-Web (httm, EFS Submission User Manual ePAVE)
- 2. Mailed to:

Mail Stop Sequence Commissioner for Patents P.O. Box 22313 1450 Alexandria, VA 22313 1450

3. Hand Carry, Federal Express. United Parcel Service or other delivery service to:

U.S. Patent and Trademark Office

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Randolph Building

401 Dulaney Street

Alexandria, VA 22314

Any inquiry concerning this communication should be directed to Richard Hutson at telephone number 571-272-0930. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Wang, can be reached on 571-272-0811

/Richard G Hutson/ Primary Examiner, Art Unit 1652



Application No. 10511130	Applicant(s) CONNOLLY ET AL.						
Examiner	Art Unit						
Richard G. Hutson	1652						

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached
to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).
The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):
1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
☑ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
☐ 7. Other:
Applicant Must Provide: ☑ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
An initial or substitute paper copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application.
A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).
For questions regarding compliance to these requirements, please contact:
For Rules Interpretation, call (571) 272-0731 or (571) 272-0951 For CRF Submission Help, call (571) 272-2510 PatentIn Software Program Support
Technical Assistance.1-866-217-9197 or 703-305-3028 or 571-272-6845 Patentin Software is Available At www.USPTO.gov
PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY
Richard G Hutson/ rimary Examiner, Art Unit 1652

Sequence Listing could not be accepted due to errors.

See attached Validation Report.

If you need help call the Patent Electronic Business Center at (866) 217-9197 (toll free).

Reviewer: markspencer

Timestamp: [year=2008; month=9; day=22; hr=9; min=26; sec=4; ms=670;]

Reviewer Comments:

<110> The University of Newcastle

Connolly, Bernard

Fogg, Mark

Pearl, Laurence

<120> DNA POLYMERASES

<130> P89103PWO

<140> 10511130

<141> 2005-08-15

<150> PCT/GB2003/001623

<151> 2003-04-15

<160> 32

Numeric identifier <160> must reflect the total number of sequences found in the sequence listing. This file contains 33 SEQ ID numbers, but <160> states there are 32. Please make all necessary changes.

<210> 13

<211> 103

<212> PRT

<213> RB69

* * * * * * * * *

Numeric identifier <213> can only be one of three choices, "Scientific name, i.e. Genus/species, Unknown or Artificial Sequence." Please make all necessary changes.

<210> 33

<211> 13

<212> PRT

<213> Unknown

<220>

<223> amino acid motif where X can be any amino acid

<400> 33

Glu Xaa Xaa Ile Xaa Phe/Tyr Xaa Xaa Xaa Tyr Xaa Xaa Asp 1 5 10

Numeric identifier <211> must reflect the total number of amino acids in the sequence. <211> states there are 13 amino acids in SEQ ID # 33, but the actual count is 14. Please make all necessary changes.

A sequence cannot contain any non-sequence related symbols. Please remove "/" from SEQ ID # 33.

Validated By CRFValidator v 1.0.3

Application No:

10511130

Version No:

2.0



Error code

Input Set:

Output Set:

Started: 2008-09-20 06:22:41.144

Finished: 2008-09-20 06:22:44.841

Elapsed: 0 hr(s) 0 min(s) 3 sec(s) 697 ms

Total Warnings: 23

Total Errors: 2

No. of SeqIDs Defined: 32

Actual SeqID Count: 33

Error Description

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W	213	Artificial or Unknown found in <213> in SEQ ID (9)
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W	213	Artificial or Unknown found in <213> in SEQ ID (11)
W	402	Undefined organism found in <213> in SEQ ID (12)
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M	213	Artificial or Unknown found in <213> in SEQ ID (15)
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W	213	Artificial or Unknown found in <213> in SEQ ID (17)
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W	402	Undefined organism found in <213> in SEQ ID (21)

Input Set:

Output Set:

Started: 2008-09-20 06:22:41.144

Finished: 2008-09-20 06:22:44.841

Elapsed: 0 hr(s) 0 min(s) 3 sec(s) 697 ms

Total Warnings: 23

Total Errors: 2

No. of SeqIDs Defined: 32

Actual SeqID Count: 33

Error code		Error Description									
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W	213	Artificial or Unknown found in <213> in SEQ ID (33)									
E	330	Invalid protein , found in SEQID(33) POS (6) Invalid									
W	333	tabs used in amino acid numbering SEQID (33)									
E	252	Calc# of Seg. differs from actual; 32 segIds defined; count=33									

SEQUENCE LISTING



<110> The University of Newcastle

Connolly, Bernard

Fogg, Mark

Pearl, Laurence

<120> DNA POLYMERASES

<130> P89103PWO

<140> 10511130 <141> 2005-08-15

<150> PCT/GB2003/001623

<151> 2003-04-15

<160> 32

<170> PatentIn version 3.1

<210> 1

<211> 776

<212> PRT

<213> Unknown

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<223> Variant derived from Pyrococcus furiosus Pfu-Polymerase

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1 5 10 15

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Ile Ser Tyr Ala Asp Glu Asn Glu Ala Lys Val Ile Thr Trp Lys Asn 165 170 175

Ile Asp Leu Pro Tyr Val Glu Val Val Ser Ser Glu Arg Glu Met Ile 180 \$180\$ 185 \$190\$

Lys Arg Phe Leu Arg Ile Ile Arg Glu Lys Asp Pro Asp Ile Ile Val 195 200 205

Thr Tyr Asn Gly Asp Ser Phe Asp Phe Pro Tyr Leu Ala Lys Arg Ala 210 215 220

Glu Lys Leu Gly Ile Lys Leu Thr Ile Gly Arg Asp Gly Ser Glu Pro 225 230 235 240 Lys Met Gln Arg Ile Gly Asp Met Thr Ala Val Glu Val Lys Gly Arg 245 250 255

Ile His Phe Asp Leu Tyr His Val Ile Thr Arg Thr Ile Asn Leu Pro 260 265 270

Thr Tyr Thr Leu Glu Ala Val Tyr Glu Ala Ile Phe Gly Lys Pro Lys 275 280 285

Glu Lys Val Tyr Ala Asp Glu Ile Ala Lys Ala Trp Glu Ser Gly Glu 290 295 300

Asn Leu Glu Arg Val Ala Lys Tyr Ser Met Glu Asp Ala Lys Ala Thr 305 310 315 320

Tyr Glu Leu Gly Lys Glu Phe Leu Pro Met Glu Ile Gln Leu Ser Arg $325 \hspace{1cm} 330 \hspace{1cm} 335$

Leu Val Gly Gln Pro Leu Trp Asp Val Ser Arg Ser Ser Thr Gly Asn \$340\$ \$350\$

Leu Val Glu Trp Phe Leu Leu Arg Lys Ala Tyr Glu Arg Asn Glu Val 355 360 365

Ala Pro Asn Lys Pro Ser Glu Glu Glu Tyr Gln Arg Arg Leu Arg Glu 370 375 380

Ser Tyr Thr Gly Gly Phe Val Lys Glu Pro Glu Lys Gly Leu Trp Glu 385 390 395 400

Asn Ile Val Týr Leu Asp Phe Arg Ala Leu Tyr Pro Ser Ile Ile Ile 405 410 415

Thr His Asn Val Ser Pro Asp Thr Leu Asn Leu Glu Gly Cys Lys Asn 420 425 430

Tyr Asp Ile Ala Pro Gln Val Gly His Lys Phe Cys Lys Asp Ile Pro 435 440 445

Gly Phe Ile Pro Ser Leu Leu Gly His Leu Leu Glu Glu Arg Gln Lys 450 455 460

11e 465		Thr	. ràs	Met	Lys 470		Thr	Gln	Asp	Pro 475		Glu	Lys	Ile	Leu 480
Leu	Asp	Tyr	Arg	Gln 485		Ala	Ile	Lys	Leu 490		Ala	Asn	Ser	Phe 495	Tyr
Gly	Tyr	Tyr	Gly 500	_	Ala	Lys	Ala	Arg 505	-	туг	Cys	Lys	Glu 510	Cys	Ala
Glu	Ser	Val 515		Ala	Trp	Gly	Arg 520	_	Tyr	Ile	Glu	Leu 525		Trp	Lys
Glu	Leu 530		Glu	Lys	Phe	Gly 535		Lys	Val	Leu	Tyr 540	Ile	Asp	Thr	Asp
Gly 545		Tyr	Ala	Thr	Ile 550	Pro	Gly	Gly	Glu	Ser 555		Glu	Ile	Lys	Lys 560
Lys	Ala	Leu	Glu	Phe 565	Val	Lys	Tyr	Ile	Asn 570		Lys	Leu	Pro	Gly 575	Leu
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Gln 625	Ala	Arg	Val	Leu	Glu 630	Thr	Ile	Leu	Lys	His	Gly	Asp	Val	Glu	Glu 640
Ala	Val	Arg	Ile	Val 645	Lys	Glu	Val	Ile	Gln 650	Lys	Leu	Ala	Asn	Tyr 655	Glu
Ile	Pro	Pro	Glu 660	Lys	Leu	Ala	Ile	Туг 665	Glu	Gln	Ile	Thr	Arg 670	Pro	Leu
His	Glu	Tyr 675	Lys	Ala	Ile	Gly	Pro 680	His	Val	Ala	Val	Ala 685	Lуз	Lys	Leu

Ala Ala Lys Gly Val Lys Ile Lys Pro Gly Met Val Ile Gly Tyr Ile

690 695 700

Val Leu Arg Gly Asp Gly Pro Ile Ser Asn Arg Ala Ile Leu Ala Glu 705 710 715 720

Glu Tyr Asp Pro Lys Lys His Lys Tyr Asp Ala Glu Tyr Tyr Ile Glu 725 730 735

Asn Gln Val Leu Pro Ala Val Leu Arg Ile Leu Glu Gly Phe Gly Tyr
740 745 750

Arg Lys Glu Asp Leu Arg Tyr Gln Lys Thr Arg Gln Val Gly Leu Thr 755 760 765

Ser Trp Leu Asn Ile Lys Lys Ser 770 775

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<212> PRT

<213> Pyrococcus furiosus

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1 5 10 15

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Thr Phe Arg Pro Tyr Ile Tyr Ala Leu Leu Arg Asp Asp Ser Lys Ile $35 \hspace{1cm} 40 \hspace{1cm} 45$

Glu Glu Val Lys Lys Ile Thr Gly Glu Arg His Gly Lys Ile Val Arg 50 55 60

Ile Val Asp Val Glu Lys Val Glu Lys Lys Phe Leu Gly Lys Pro Ile 65 70 75 80

Thr Val Trp Lys Leu Tyr Leu Glu His Pro Gln Asp Val Pro Thr Ile 85 90 95

Arg Glu Lys Val Arg Glu His Pro Ala Val Val Asp Ile Phe Glu Tyr 100 105 110

Asp Ile Pro Phe Ala Lys Arg Tyr Leu Ile Asp Lys Gly Leu Ile Pro 115 120 125

Met Glu Gly Glu Glu Glu Leu Lys Ile Leu Ala Phe Asp Ile Glu Thr 130 135 140

Leu Tyr His Glu Gly Glu Glu Phe Gly Lys Gly Pro Ile Ile Met Ile 145 150 155 160

Ser Tyr Ala Asp Glu Asn Glu Ala Lys Val Ile Thr Trp Lys Asn Ile 165 170 175

Asp Leu Pro Tyr Val Glu Val Val Ser Ser Glu Arg Glu Met Ile Lys 180 185 190

Arg Phe Leu Arg Ile Ile Arg Glu Lys Asp Pro Asp Ile Ile Val Thr
195 200 205

Tyr Asn Gly Asp Ser Phe Asp Phe Pro Tyr Leu Ala Lys Arg Ala Glu 210 215 220

Lys Leu Gly Ile Lys Leu Thr Ile Gly Arg Asp Gly Ser Glu Pro Lys 225 230 230 235

Met Gln Arg Ile Gly Asp Met Thr Ala Val Glu Val Lys Gly Arg Ile . 245 250 255

His Phe Asp Leu Tyr His Val Ile Thr Arg Thr Ile Asn Leu Pro Thr 260 265 270

Tyr Thr Leu Glu Ala Val Tyr Glu Ala Ile Phe Gly Lys Pro Lys Glu 275 280 285

Lys Val Tyr Ala Asp Glu Ile Ala Lys Ala Trp Glu Ser Gly Glu Asn 290 295 300

Leu Glu Arg Val Ala Lys Tyr Ser Met Glu Asp Ala Lys Ala Thr Tyr 305 310 315 320

Glu Leu Gly Lys Glu Phe Leu Pro Met Glu Ile Gln Leu Ser Arg Leu 325 330 335

Val Gly Gln Pro Leu Trp Asp Val Ser Arg Ser Ser Thr Gly Asn Leu 340 345 350

Val Glu Trp Phe Leu Leu Arg Lys Ala Tyr Glu Arg Asn Glu Val Ala 355 360 365

Pro Asn Lys Pro Ser Glu Glu Glu Tyr Gln Arg Arg Leu Arg Glu Ser 370 375 380

Tyr Thr Gly Gly Phe Val Lys Glu Pro Glu Lys Gly Leu Trp Glu Asn 385 390 395 400

Ile Val Tyr Leu Asp Phe Arg Ala Leu Tyr Pro Ser Ile Ile Ile Thr 405 410 415

His Asn Val Ser Pro Asp Thr Leu Asn Leu Glu Gly Cys Lys Asn Tyr
420 425 430

Asp Ile Ala Pro Gln Val Gly His Lys Phe Cys Lys Asp Ile Pro Gly 435 440 445

Phe Ile Pro Ser Leu Leu Gly His Leu Leu Glu Glu Arg Gln Lys Ile 450 455 460

Lys Thr Lys Met Lys Glu Thr Gln Asp Pro Ile Glu Lys Ile Leu Leu 465 470 475 480

Asp Tyr Arg Gln Lys Ala Ile Lys Leu Leu Ala Asn Ser Phe Tyr Gly 485 490 495

Tyr Tyr Gly Tyr Ala Lys Ala Arg Trp Tyr Cys Lys Glu Cys Ala Glu 500 505 510

Ser Val Thr Ala Trp Gly Arg Lys Tyr Ile Glu Leu Val Trp Lys Glu 515 520 525

Leu Glu Glu Lys Phe Gly Phe Lys Val Leu Tyr Ile Asp Thr Asp Gly 530 535 540

Leu Tyr Ala Thr Ile Pro Gly Gly Glu Ser Glu Glu Ile Lys Lys 550 555 560 Ala Leu Glu Phe Val Lys Tyr Ile Asn Ser Lys Leu Pro Gly Leu Leu 565 570 575 Glu Leu Glu Tyr Glu Gly Phe Tyr Lys Arg Gly Phe Phe Val Thr Lys 580 585 590 Lys Arg Tyr Ala Val Ile Asp Glu Glu Gly Lys Val Ile Thr Arg Gly 595 600 605 Leu Glu Ile Val Arg Arg Asp Trp Ser Glu Ile Ala Lys Glu Thr Gln 610 615 620 Ala Arg Val Leu Glu Thr Ile Leu Lys His Gly Asp Val Glu Glu Ala 625 630 635 640 Val Arg Ile Val Lys Glu Val Ile Gln Lys Leu Ala Asn Tyr Glu Ile 645 650 655 Pro Pro Glu Lys Leu Ala Ile Tyr Glu Gln Ile Thr Arg Pro Leu His 660 665 670 Glu Tyr Lys Ala Ile Gly Pro His Val Ala Val Ala Lys Lys Leu Ala 675 680 685 Ala Lys Gly Val Lys Ile Lys Pro Gly Met Val Ile Gly Tyr Ile Val 690 695 700 Leu Arg Gly Asp Gly Pro Ile Ser Asn Arg Ala Ile Leu Ala Glu Glu 705 710 715 720 Tyr Asp Pro Lys Lys His Lys Tyr Asp Ala Glu Tyr Tyr Ile Glu Asn 725 730 735 Gln Val Leu Pro Ala Val Leu Arg Ile Leu Glu Gly Phe Gly Tyr Arg 740 745 750

Lys Glu Asp Leu Arg Tyr Gln Lys Thr Arg Gln Val Gly Leu Thr Ser 755 760 765

770 775

<210> 3

<211> 776

<212> PRT

<213> Unknown

<220>

<223> Variant derived from Pyrococcus furiosus Pfu-Polymerase

<400> 3

Met Ala Ile Leu Asp Val Asp Ala Ile Thr Glu Glu Gly Lys Pro Val

Ile Arg Leu Phe Lys Lys Glu Asn Gly Lys Phe Lys Ile Glu His Asp $20 \hspace{1cm} 25 \hspace{1cm} 30$

Arg Thr Phe Arg Pro Tyr Ile Tyr Ala Leu Leu Arg Asp Asp Ser Lys 35 40 45

Ile Glu Glu Val Lys Lys Ile Thr Gly Glu Arg His Gly Lys Ile Val
50 55 60

Arg Ile Val Asp Val Glu Lys Val Glu Lys Lys Phe Leu Gly Lys Pro 65 70 75 80

Ile Thr Val Trp Lys Leu Tyr Leu Glu His Pro Gln Asp Val Pro Thr \$85\$ 90 95

Ile Arg Glu Lys Val Arg Glu His Pro Ala Val Val Asp Ile Phe Glu 100 105 110

Tyr Asp Ile Pro Phe Ala Lys Arg Tyr Leu Ile Asp Lys Gly Leu Ile 115 120 125

Pro Met Glu Gly Glu Glu Leu Lys Ile Leu Ala Phe Asp Ile Glu 130 135 140

Thr Leu Tyr His Glu Gly Glu Glu Phe Gly Lys Gly Pro Ile Ile Met 145 150 155 160 Ile Ser Tyr Ala Asp Glu Asn Glu Ala Lys Val Ile Thr Trp Lys Asn 165 170 175

Ile Asp Leu Pro Tyr Val Glu Val Val Ser Ser Glu Arg Glu Met Ile 180 \$180\$ 185 \$190\$

Lys Arg Phe Leu Arg Ile Ile Arg Glu Lys Asp Pro Asp Ile Ile Val 195 200 205

Thr Tyr Asn Gly Asp Ser Phe Asp Phe Pro Tyr Leu Ala Lys Arg Ala 210 215 220

Glu Lys Leu Gly Ile Lys Leu Thr Ile Gly Arg Asp Gly Ser Glu Pro 225 230 230 235 240

Lys Met Gln Arg Ile Gly Asp Met Thr Ala Val Glu Val Lys Gly Arg 245 250 255

Ile His Phe Asp Leu Tyr His Val Ile Thr Arg Thr Ile Asn Leu Pro 260 265 270

Thr Tyr Thr Leu Glu Ala Val Tyr Glu Ala Ile Phe Gly Lys Pro Lys 275 280 285

Glu Lys Val Tyr Ala Asp Glu Ile Ala Lys Ala Trp Glu Ser Gly Glu 290 295 300

Asn Leu Glu Arg Val Ala Lys Tyr Ser Met Glu Asp Ala Lys Ala Thr 305 310 315 320

Tyr Glu Leu Gly Lys Glu Phe Leu Pro Met Glu Ile Gln Leu Ser Arg 325 330 335

Leu Val Gly Gln Pro Leu Trp Asp Val Ser Arg Ser Ser Thr Gly Asn \$340\$ \$350\$

Leu Val Glu Trp Phe Leu Leu Arg Lys Ala Tyr Glu Arg Asn Glu Val \$355\$

Ala Pro Asn Lys Pro Ser Glu Glu Glu Tyr Gln Arg Arg Leu Arg Glu 370 380

A * 1 0

Ser Tyr Thr Gly Gly Phe Val Lys Glu Pro Glu Lys Gly Leu Trp Glu 385 390 395 400

Asn Ile Val Tyr Leu Asp Phe Arg Ala Leu Tyr Pro Ser Ile Ile Ile 405 410 415

Thr His Asn Val Ser Pro Asp Thr Leu Asn Leu Glu Gly Cys Lys Asn \$420\$ \$425\$ \$430\$

Tyr Asp Ile Ala Pro Gln Val Gly His Lys Phe Cys Lys Asp Ile Pro 435 440 445

Gly Phe Ile Pro Ser Leu Leu Gly His Leu L